

REMARKS/ARGUMENTS

Claims 1-26 are pending in the application. Claims 1-14 remain in the application. Claims 15-26 have been canceled as subject to a restriction requirement. Applicants reserve the right to seek any subject matter in claims 15-26 in related applications.

Claims 1-6 stand rejected. Claims 7-14 are allowed.

Restriction Requirement

Applicants confirm the election of Group I, Claims 1-14.

Examiner Interview

Applicants' attorney, the undersigned, wishes to thank Examiner Pak for the courteous and helpful telephone interview on July 18, 2003. The rejection of claims 1-6 based on the cited reference disclosing limonene was discussed. The Examiner stated that once he found a reference citing limonene he stopped searching and rejected claims 1-6. He stated that he didn't have time to do more searching. He also stated that the miticidal art is pretty spread out.

The Amendment

In the Claims

Claim 1 has been amended to delete the miticidal compound "d-limonene."

Allowed claim 7 has been amended to be independent and thereby no longer be dependent on rejected claim 1. Claim 7 has also been amended to incorporate the language of claim 1. Support for these amendments is found throughout applicants' specification and in original claim 1. These claim amendments are submitted in an effort to expedite prosecution. These amendments do not narrow the scope of original claim 7.

Claims 27 to 31 have been added which parallel the claim language of claims 2-6. Since claim 7 originally depended from claim 1, these claims are fully supported by claims 1-6. Support for these claims is also found throughout applicant's specification. These claims are included in view of applicants' amendment making claim 7 independent. These

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amendments do not alter the scope of applicants' embodiment directed to controlling parasitic mites of honey bees using 2-heptanone.

Supplemental Information Disclosure Statement

Applicants submit herewith a Supplemental Information Disclosure, Form PTO/SB/08A, and copies of references cited.

Fees

Applicants have enclosed herewith authorization to charge \$180.00 to Deposit Account No. 50-2135 for filing of the enclosed Supplemental Information Statement. It is believed that no additional fees are owed due to this filing of this amendment, however if it is determined that fees are due, the Commissioner is authorized to charge these fees to Deposit Account No. 50-2135. The Commissioner is also authorized to charge any other fees required due the attached response or any other action during the pendency of this application, or credit any overpayment, to Account No. 50-2135.

Rejection Under 35 U.S.C. 103

Claims 1-6 stand rejected under 35 U.S.C. 103(a) allegedly as being unpatentable over WO 97/47193. The Examiner states that the reference teaches the use of limonene for controlling Varroa mite infestation in honey bees. The Examiner notes that the reference does not explicitly state that the limonene is d-limonene; however, without any designation, limonene would contain and encompass both the d and l forms.

Applicants have amended claim 1 to delete d-limonene. In view of this amendment, applicants submit that claims 1-6 are allowable.

Claims 7-14 are allowed

Claims 7-14 have been allowed. Because allowed claim 7 was dependent on rejected claim 1, claim 7 has been amended to be independent and thereby no longer be dependent on rejected claim 1.

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New Claims 27-31

In view of the amendment making claim 7 independent, claims 27 to 31 have been added which parallel the claim language of claims 2-6. Since claim 7 originally depended from claim 1, these claims are fully supported by claims 1-6. Support for these claims is also found throughout applicant's specification. In view of the allowance of claim 7, it is submitted that claims 27-31 are also allowable.

Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request consideration and respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner find that an interview would be helpful to further prosecution of this application, he is invited to telephone the undersigned at her convenience.

Respectfully submitted,

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Enclosures:
Fee Transmittal FY04
Supplemental Information Disclosure Statement
Form PTO/SB/08A
References cited in PTO/SB/08A
Postcard Receipt